



Farmington City Planning Commission

October 3, 2019



F A R M I N G T O N C I T Y

H. JAMES TALBOT
MAYOR

BRETT ANDERSON
DOUG ANDERSON
ALEX LEEMAN
CORY RITZ
REBECCA WAYMENT
CITY COUNCIL

SHANE PACE
CITY MANAGER

AGENDA **PLANNING COMMISSION MEETING**

October 3, 2019

Public Meeting at the Farmington City Hall, 160 S. Main Street, Farmington, Utah

Study Session: 6:30 p.m. – Conference Room 3 (2nd Floor)

Regular Session: 7:00 p.m. – City Council Chambers (2nd Floor)

(Please note: In order to be considerate of everyone attending the meeting and to more closely follow the published agenda times, public comments will be limited to 3 minutes per person per item. A spokesperson who has been asked by a group to summarize their concerns will be allowed 5 minutes to speak. Comments which cannot be made within these limits should be submitted in writing to the Planning Department prior to noon the day before the meeting.)

- 7:00 1. Minutes
 2. City Council Report (City Council October 8th)

ZONING TEXT CHANGES

- 7:05 3. Farmington City (Public Hearing) – Applicant is requesting a recommendation to amend Chapter 14 of the Zoning Ordinance regarding accessory and secondary dwelling units in the BP zone. (ZT-3-19)
- 7:10 4. Farmington City– Applicant is requesting a recommendation to amend Section 11-3-045 of the Zoning Ordinance regarding Special Exceptions and Moderate-Income Housing (ZT-4-19)

OTHER BUSINESS

- 7:30 5. Miscellaneous, correspondence, etc.
 a. Multifamily Residential Proposal in the General Commercial Zone (Discussion Item: No action required)
 b. Other

Please Note: Planning Commission applications may be tabled by the Commission if: 1. Additional information is needed in order to take action on the item; OR 2. if the Planning Commission feels there are unresolved issues that may need additional attention before the Commission is ready to make a motion. No agenda item will begin after 10:00 p.m. without a unanimous vote of the Commissioners. The Commission may carry over Agenda items, scheduled late in the evening and not heard to the next regularly scheduled meeting.

Posted September 30, 2019

Meagan Booth
Associate City Planner

FARMINGTON CITY
PLANNING COMMISSION MEETING
September 19, 2019

STUDY SESSION

Present: Commissioners Rulon Homer, Mike Plazier, Amy Shumway, Greg Wall, Russ Workman, Shawn Beus, and City Attorney Todd Godfrey. Community Development Director, Dave Petersen, Associate City Planner Meagan Booth, and Recording Secretary Carly Rowe. Commission Chair Connie Deianni and Vice Chair Roger Child were excused.

Dave Petersen explained that both the Chair and Vice Chair are excused tonight. **Amy Shumway** made a motion to select **Russ Workman** to conduct the planning commission meeting and **Mike Plazier** seconded the motion, which was unanimously approved.

Todd Godfrey provided training on the duties of Planning Commission members and led a lengthy discussion as to the administration and legislative role related to the planning process. Several examples were shared and many questions answered as part of the study session.

REGULAR SESSION

Present: Commissioners Rulon Homer, Mike Plazier, Amy Shumway, Greg Wall, Russ Workman and Shawn Beus. Community Development Director, Dave Petersen, Associate City Planner Meagan Booth, and Recording Secretary Carly Rowe. Commission Chair Connie Deianni and Vice Chair Roger Child were excused.

Item #1 Minutes

Rulon Homer made a motion to approve minutes from the August 6, 2019 Planning Commission meeting with the suggested changes discussed as a part of this agenda item, and to table minutes from the August 22, 2019 Planning Commission meeting. **Shawn Beus** seconded the motion, which was unanimously approved.

Item #2 City Council Report

Dave Petersen gave a report from the City Council meeting on September 17, 2019. The City Council approved the Rice Farms Phase 7 PUD plat amendment. Additionally, they approved amendments to Title 11 Chapter 31 regarding Flood Damage Prevention. Lastly, the council considered a zone map amendment application for the Cook Property located at Station Parkway and Burke Lane from A to

GMU. They reviewed a concept plan for the property which included 2 hotels and 50 townhomes instead of the 119 townhome concept presented to the Planning Commission. The City Council tabled action to allow time for the applicant to submit a schematic plan to be reviewed by the Planning Commission.

CONDITIONAL USE PERMIT

Item #3 Davis County Medical Expansion (Public Hearing) – Applicant is requesting a conditional use for an addition at the jail, to add more beds for medical purposes, located at 800 West State Street, in the BP (Business Park) zone. (C-15-19)

In April of this year, Davis County approached the Farmington City Council to tour their current medical unit at the Davis County Jail. The conversation surrounding the tour included the need to provide basic medical care to individuals who enter the facility with addiction, mental illness and other medical issues/basic needs. The addition includes 26 medical beds with no extension of inmate capacity. The addition is a modification of an existing site and therefore requires a conditional use in the BP (Business Park) Zone.

Arnold Butcher (1154 W 2600 N. Clinton UT) chief deputy sheriff for corrections and **Mitch Matern** (1524 Misty Breeze Circle. Kaysville), facility manager, attended the meeting on behalf of the staff for the Davis County Jail. **Mr. Butcher** said the addition would make it easier for medical staff to pull the ambulance around for drop-offs and will avoid going through security in the front of the building. Additionally, the project will not increase the number of inmates.

Motion:

Rulon Homer made a motion that the Planning Commission approve the conditional use for Davis County Jail subject to all applicable codes, development standards and ordinances and with the following conditions:

1. The site plan must meet all recommendations and requirements established by the DRC Review.
2. All further review of the site plan will be dedicated to staff.

Shawn Beus seconded the motion, which was unanimously approved.

Findings for approval:

1. The use is necessary to provide medical services for the population at the jail.
2. The addition is not contrary to the general plan and is compatible with the existing jail site.
3. The onsite improvements will provide better access for emergency relocations including ambulance.
4. The addition does not encroach any closer to the east property line and is located toward the interior of the site.
5. The use is not detrimental to the health, safety or general welfare of persons residing or working in the vicinity.
6. The site plan must meet all requirements established by the DRC.

ZONING TEXT CHANGES

Item #4 Farmington City (Public Hearing) – Applicant is requesting a recommendation to amend Chapter 18 of the Zoning Ordinance regarding building height in the OMU zone. (ZT-3-19).

Dave Petersen stated that the City hereby withdraws its application.

OTHER

Item #5 Miscellaneous, correspondence, etc.

- a. **Vandermeiden Garage Conditional Use (Public Hearing) – The applicant desires to construct a detached garage within 1 foot of the property line, at 1928 West Buffalo Circle, in the AE (Agricultural Estates) zone. (M-4-19/C-16-19)**

The applicant wishes to place a 19 foot high detached garage in the rear yard of his lot. The property is zoned AA and subject to the standards set forth in Chapter 10 (Agricultural) of the zoning ordinance, but because the garage is subordinate in height and area to his home (the main building); he is able to follow the standards for accessory buildings in Chapter 11 (Single Family Residential Zones). Accordingly, the maximum height for such buildings is 15 feet “unless an increased height is approved by the planning commission after a review of a conditional use application filed by the property owner” (Section 11-11-070 B).

Brad Vandermeiden (1928 West Buffalo Cir) reviewed with staff and the commission that the garage is designed to match the home, which home is 27 feet in height. The garage will be used for storage.

Motion:

Shawn Beus made a motion that the Planning Commission approve the conditional use application and increase the height of the accessory building to 19 feet, subject to all applicable codes, development standards and ordinances and the following condition:

1. Any eave, or part of the accessory building, shall not overhang or extend past a property line.

Rulon Homer seconded the motion, which was unanimously approved.

Findings for approval:

1. The subject property is large enough that a detached garage will fit on the property without any foreseeable adverse effects.
2. The accessory buildings is subordinate in height to the main building.
3. Is located at least fifteen feet (15') from any dwelling on an adjacent lot;
4. The detached garage will not encroach on any recorded easement;
5. The proposed structure is compatible with the character of the site, adjacent properties and surrounding neighborhoods.

b. Merrill Law Special Exception (Public Hearing) – The applicant is requesting a special exception to the flag lot standards set forth in Chapter 7 of the Subdivision Ordinance. (M-3-19).

On April 16, 2010, the applicant was approved for a metes and bounds flag lot subdivision with the front lot at 20,000 square feet and a rear or flag lot at approximately 50,000 square feet, which meet the requirements of the underlying zone. At the time of the subdivision approval, the applicant also met the Flag Lot Standards set forth in Chapter 7 of the zoning ordinance. The applicant is currently requesting a lot line adjustment to move the property line straight across the back to match the neighbor's fence line per their survey. However, in doing so, the stem portion would be longer than one hundred fifty feet (150') requirement, at one hundred sixty five (165') feet. The applicant is requesting a special exception from the Planning Commission to deviate from the standard stem length to square up the lot. At the time of the original approval, a special exception option was not available to the applicant but it is now.

Dave Petersen said that when **Merrill Law** originally applied for this, the ordinance required that the flat lot be on an angle. Since then, the City adopted the special exception ordinance, and it is possible to modify the dimensions. **Mr. Law** is looking to straighten the line out and square it off so he can sell that portion of the property.

Motion:

Rulon Homer made a motion the Planning Commission approve the special exception as set forth in 11-3-045 of the Zoning Ordinance, subject to all applicable Farmington City Ordinances and the development standards and subject to the following condition:

1. The applicant shall submit a survey/legal description to the city for review and approval.

Greg Wall seconded the motion, which was unanimously approved.

Findings for approval:

1. A special exception does not authorize the establishment of any use nor the development, construction, reconstruction, alteration or moving of any building or structure.
2. The proposed special exception is not detrimental to the health, safety and general welfare of the persons residing or working in the vicinity. Fire or other emergency access will not be negatively impacted by the approval of a special exception/lot line adjustment.
3. The resulting lots meet the minimum lot area required by the underlying zone.

c. Mountain View Subdivision Sidewalk

Dave Petersen the Planning Commission approved a standard local street cross-section for the road leading to the first phase of the Mountain View Subdivision east from 650 West Street. The developer desires to modify the location of the park strip, and sidewalk and is reviewing five alternatives.

1. No sidewalk;
2. The standard side walk placed along the property line, but a retaining wall will be necessary;
3. Six foot sidewalk at the back of the curb;
4. A narrower park strip from 7.5 feet to 4 feet; and

5. A meandering sidewalk (note: the meander will be very subtle).

Greg Wall made a motion to recommend the City Council alternate two through five, but option 5 is the preferred alternative (and under no circumstance is alternate one acceptable). **Amy Shumway** seconded the motion, which was unanimously approved.

d. John Stathis Trucking

Amy Shumway made a motion to approve an extension on the conditional use permit C-1-18, all conditions and findings apply. **Rulon Homer** seconded the motion, which was unanimously approved.

ADJOURNMENT

Motion:

At 8:27 PM **Rulon Homer** made a motion to adjourn the meeting, which was unanimously approved.

Russ Workman, Acting Planning Commission Chair



Planning Commission Staff Report October 3, 2019

Item 3: Secondary and Accessory Dwellings in the BP Zone

Public Hearing:	Yes
Application No.:	ZT-3-19
Property Address:	N/A
General Plan Designation:	N/A
Zoning Designation:	N/A
Area:	N/A
Property Owner:	N/A
Applicant:	Farmington City

Request: *Applicant is requesting a recommendation to amend Chapter 14 of the Zoning Ordinance (Business Park Zone (BP)) related to Secondary and Accessory Dwellings.*

Background Information

Under certain conditions as per Sections 11-27-030 and 11-14-050 of the Zoning Ordinance, residential Planned Unit Developments (PUDs) may be approved in the BP zone. Recently, an investor in the proposed Brookside Hollow development (a primarily single-family PUD located on the Frontage Road next to 200 West Street) requested that staff explore the possibility with the City of providing secondary dwellings as an allowed use in this PUD. Staff is also proposing that the City consider accessory dwellings as a conditional use in the BP zone as well.

Suggested Motion:

Move that the Planning Commission recommend that the City Council amend Section 11-14-030 of the Zoning Ordinance to allow secondary and accessory dwellings in the BP zone as follows:

11-14-030: CONDITIONAL USES:

The following are conditional uses in the BP zone. No other conditional uses are allowed, except as provided by subsection [11-4-050F](#) of this title:

Any development which includes multiple buildings or is proposed on a site which is over one acre in size.

Athletic or tennis club.

Commercial outdoor recreation, minor (family reunion center, outdoor reception facilities, picnic grounds, tennis courts, etc.).

Financial institutions.

Dwelling, Accessory (in conjunction only with detached single-family dwellings in a Planned Unit Development (PUD))

Dwelling, Secondary (in conjunction only with detached single-family dwellings in a Planned Unit Development (PUD))

Light manufacturing uses (fabrication, assembly, treatment or packaging operations conducted in a totally enclosed building using previously prepared materials).

Outside storage.

Public and quasi-public uses, other than administrative offices, developed on an undeveloped site (excluding those not specifically listed as a permitted or conditional use) and material additions or modifications on a developed site.

Public utility substations, wireless transmission towers, except as specified in section 11-28-190 of this title, generating plants, pumping stations and buildings.

Restaurants (traditional sit down only).

Storage/warehousing, as an accessory use, as necessary to maintain a principal use.

Temporary uses.

Uses customarily accessory to a listed conditional use.

Findings:

1. The proposed amendment is reasonably necessary because it is consistent with past decisions by the City to allow secondary and accessory dwellings to accompany detached-single family dwellings in other zones.
2. The action is in the public interest because it provides additional housing types to meet the City's moderate-income housing goals, and is one of the strategies recommended by the state.
3. The proposed amendment is consistent with the City's General Plan and in harmony with the objectives and purpose of the Zoning Ordinance. Chapter 11, Community Goal 2 of the General Plan states: "Maintain Community land use plans, policies and regulations that encourage and support a variety of residential development opportunities and land uses". The purpose statement for PUDs is set forth in Section 11-27-010 and one intent therein, among others, is to achieve a "mixture of housing types", and the proposed amendment accomplishes this intent.

Applicable Ordinances

1. Title 11, Chapter 6 – Zoning Ordinance and Map Amendments
2. Title 11, Chapter 14 – Business Park Zone (BP)
3. Title 11, Chapter 27 – Planned Unit Development (PUD)



Planning Commission Staff Report October 3, 2019

Item 4: Moderate Income Housing and Special Exceptions

Public Hearing:	No
Application No.:	ZT-4-19
Property Address:	N/A
General Plan Designation:	N/A
Zoning Designation:	N/A
Area:	N/A
Property Owner:	N/A
Applicant:	Farmington City

Request: *Applicant is requesting a recommendation to amend Section 11-3-045 of the Zoning Ordinance related to Special Exceptions and Moderate-Income Housing (MIH).*

Background Information

As a follow-up to a recent decision by the City to rezone property located at the northwest corner of 200 East (SR 106) and 1470 South (Kambouris Lane) from R to R-2 (Application #Z-3-19) staff has worked with Mike Plaizier of the Planning Commission, and the property owner, to explore possible MIH scenarios via a TDR (Transfer of Development Right). It is the intent of this agenda item to present the information thus far contemplated for Planning Commission input.

Suggested Motion:

Move that the Planning Commission table action and direct staff to schedule a public hearing for this item on the October 24, 2019, meeting.

Supplemental Information

1. Possible amendments to Section 11-3-045A "Special Exceptions--Purpose"
2. Section 11-28-240: Transfer of Development Rights/Lots (TDR)

11-3-045: SPECIAL EXCEPTIONS:

- A. Purpose: A special exception is an activity or use incidental to or in addition to a principal use permitted in a zoning district; or an adjustment to a fixed dimension standard permitted as an exception to the requirements of this title; or a transfer of development right (TDR), or rights, established because of **a) blight** or **b) moderate income housing—both of** which results in an additional lot, or lots, or a dwelling unit, or units; or an adaptive reuse of a building or structure eligible, or that may be eligible, for the National Register of Historic Places so long as the adaptive reuse does not compromise such eligibility. A special exception has less potential impact than a conditional use but still requires careful review of such factors as location, design, configuration and/or impacts to determine the desirability of authorizing its establishment on any given site. This section sets forth procedures for considering and approving special exceptions to the provisions of this title.

11-28-240: TRANSFER OF DEVELOPMENT RIGHTS/LOTS (TDR):

- A. **Transfer Lots:** Property proposed for conservation land and constrained and sensitive land, common area, or subdivisions using an alternative lot size, or as special exception because of blight, if located in a designated receiving zone, may be replaced by one, or more than one, "transfer lot". A transfer lot is a lot that could have been developed elsewhere in the City, but instead is platted in the place of proposed conservation land, common area, or subdivisions using an alternative lot size, or as a special exception because of blight, and where money paid to the owner of property located in a designated sending zone by a developer to transfer the lot, and increase the overall residential density of his project. Such lots shall be known and referred to as "transfer lots" and must be approved by the City in conjunction with subdivision or site plan approval. A transfer lot is not the result of a waiver set forth in this chapter.
- B. **Sole Discretion:** The City has the sole authority to designate sending and receiving zones where such transfer lots are used and may do so by resolution.
- C. **Loss Of Associated Density Right:** Any sending zone parcel, once a transfer lot density right is taken off the sending zone parcel, loses the associated density right unless a future City Council decision approves an up zoning to the sending zone parcel.
- D. **Minimum Transfer Lot Size And Dimensional Standards:** The minimum acreage required for any transfer lot replacing conservation land, common area, or subdivisions using an alternative lot size, or as a special exception because of blight, shall be determined in accordance with the applicable and respective chapter and section set forth in this title, including, but not limited to, the development chart and dimensional standards provided in section [11-12-090](#) of this title, PUD standards in chapter 27 of this title, special exceptions standards in section [11-3-045](#) of this title, and/or lot and setback standards in sections [11-10-040](#) and [11-11-050](#) of this title.
- E. **Use Of Payments:** Any cash payment which results from an agreement regarding a transfer lot or dwelling unit shall be set aside for the acquisition or improvement of open space and/or park land only, and not for any other use.
- F. **Proximity:** The open space acquired involving a transfer lot shall be in proximity to the receiving area for said lot based on the service area or nature of the open space acquired. The service area, whether it is related to a regional facility, community parks, a neighborhood park, etc., shall be determined as set forth in the General Plan.
- G. **Move To Another Location:** If open space realized in whole or in part by a transfer lot is moved to another location, transfer lot density rights must be recalculated based upon the characteristics of the new sending zone parcel and in consideration on what has already been transferred to the previous location.
- H. **Larger Subdivisions:** For larger conservation subdivisions or PUDs greater than twenty (20) acres in size, ten percent (10%) of the land must remain as open space and cannot be used by transfer lots.

I. Blight: Transfer lots considered as a special exception may only occur because of blight, and the applicant must complete a blight study, as defined and consistent with State Code, and the City must establish a finding of blight for the receiving area in order to approve such transfer.

J. Agreement: A transfer lot must be approved by development agreement between the City and the respective owners, acceptable to and at the sole discretion of the City. The development agreement shall be recorded prior to or contemporaneous with the recording of the final plat which contains the transfer lot, and the agreement may include, but not be limited to, the following:

1. Anticipated value of the transfer lot to be paid from the receiving lot owner to the sending lot owner;
2. Method of payment for the transfer lot(s) value and when the payment is to be made;
3. Cost of improvements, including design costs, and the timing of construction;
4. Other costs, such as City fees and finance costs, and the timing of the paying thereof;
5. Land cost total to be paid to the owner and when this payment to the owner will be made; and
6. Developer profit percentage. (Ord. 2018-11, 3-6-2018)